

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Joint Application of AT&T Communications of California, Inc. (U 5002 C) and WorldCom, Inc. for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Switching in Its First Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 01-02-024
(Filed February 21, 2001)

Application of AT&T Communications of California, Inc. (U 5002 C) and WorldCom, Inc. for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Loops in Its First Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 01-02-035
(Filed February 28, 2001)

Application of The Telephone Connection Local Services, LLC (U 5522 C) for the Commission to Reexamine the Recurring Costs and Prices of the DS-3 Entrance Facility Without Equipment in Its Second Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 02-02-031
(Filed February 28, 2002)

Application of AT&T Communications of California, Inc. (U 5002 C) and WorldCom, Inc. for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Interoffice Transmission Facilities and Signaling Networks and Call-Related Databases in Its Second Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 02-02-032
(Filed February 28, 2002)

Application of Pacific Bell Telephone Company (U 1001 C) for the Commission to Reexamine the Costs and Prices of the Expanded Interconnection Service Cross-Connect Network Element in the Second Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 02-02-034
(Filed February 28, 2002)

Application of XO California, Inc. (U 5553 C) for the Commission to Reexamine the Recurring Costs of DS1 and DS3 Unbundled Network Element Loops in Its Second Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 02-03-002
(Filed March 1, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
REQUIRING EXPLANATION OF EX PARTE COMMUNICATION
DURING INTERIM PHASE**

At the Commission's public meeting on May 16, 2002, the Commission considered a draft order and two alternate orders regarding interim unbundled network element (UNE) prices for Pacific Bell Telephone Company (Pacific). During discussions leading to the vote at that public meeting, the Commissioners

revealed that AT&T Communications of California, Inc. (AT&T), WorldCom Inc. (WorldCom), and Z-Tel Communications, Inc. (Z-Tel) made statements during ex parte communications with commissioners that they would drop opposition to Pacific's Section 271 application if Commissioner Lynch's alternate order on UNE pricing was adopted by the Commission. At the same time, the Commissioners expressed the importance of parties' ex parte filings containing accurate information concerning communications with decisionmakers. The Commissioners expressly requested that the parties amend any notices to reflect offers or commitments made during ex parte meetings concerning opposition to Pacific's Section 271 application.

Pacific, in commenting on a draft order regarding its own ex parte communications in this proceeding, alleges that the carriers never properly reported the ex parte communications that the Commissioners alluded to on May 16.

This ruling requires AT&T, WorldCom and Z-Tel to provide a response to the following:

1. Were ex parte communications regarding offers or commitments to drop opposition to Pacific's Section 271 application ever reported?
 - a. If yes, provide documentation of the relevant ex parte notice(s).
 - b. If no, provide a complete and thorough explanation why they failed to comply with the Commission's ex parte rules, notably Rule 7.1(a) that requires parties to report a description of the content of ex parte communications within three days.

2. If the answer to question 1 is no, provide a full and complete assessment of what action the Commission should take and any other information that parties consider relevant to the Commission's determination of what action it should take in response to these apparent violations of Rule 7.1(a).

Therefore, **IT IS RULED** that AT&T Communications of California, Inc., WorldCom, Inc. and Z-Tel Communications, Inc. shall file and serve a response to the questions contained in this ruling no later than December 23, 2002.

Dated December 2, 2002, at San Francisco, California.

/s/ DOROTHY J. DUDA

Dorothy J. Duda
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Requiring Explanation of Ex Parte Communications During Interim Phase on all parties of record in this proceeding or their attorneys of record.

Dated December 2, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.